IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

Jiwan Lal Sahu son of
Late Firanta Ram Age 35 years,
Resident of Village Riwa,
P.S. Mandir Hasoud ,
District Raipur (C.G.) .. APPELLANT

VERSUS

1. Lakeshwardeep
son of Shri Hatiram ,
Resident of Bus Stand, Mahasamund,
District Mahasamund (C.G.).

Filed on 12.06.2 ..... Advocate
by Shri .....

2. Kanhaiya Lal Rathi ,
s/o Shri Ram Lal Rathi,
R/O Tumgaon Chow, Mahasamund,
District Mahasamund (C.G.).

3. The Oriental Insurance Co. Ltd.,
Divisional Office I, Kutchary Chowk,
Raipur (C.G.) ... RESPONDENTS

MEMORANDUM OF APPEAL U|S 173 OF MOTOR VEHICLE ACT.

Claim in appeal valued at Rs. 5,50,000/-
arising out of award in M.A.C.T. Case No.34/2001
between Jiwan Lal Sahu Vs. Lakeshwar Deep and others
passed by Ist Additional Motor Accident Cla ims
Tribunal, Raipur on 02.03.2002.

..2.

HIGH COURT OF CHHATTISGARH : BILASPUR
(LOK ADALAT)

MISCELLANEOUS APPEAL NO. 497 of 2002

Appellant : Jeevan Lal Sahu

Versus

Respondents: Lakeshwar Deep & others

(Arising out of Claim Case No. 34 of 2001)

09.01.2007

Appellant Jeevan Lal Sahu is dead.

None for respondents No.1 & 2.

Shri J.M. Gairola, Divisional Manager, Oriental Insurance Company Limited with Shri A.K. Athaley, counsel for respondent No.3.

Legal representatives of the deceased have filed an application along with affidavit for bringing them on record and also filed an application for condonation of delay and to set aside the abatement.

Shri CR Sahu, Advocate is appearing on behalf of the legal representatives.

Both the aforesaid applications are not opposed by respondent No.3.

Having considered the fact that legal representatives and respondent No.3 are willing to compromise the case without notices afresh to respondents No. 1 & 2, both the applications are considered and allowed.

Name of Jeevan Lal Sahu be deleted and legal representatives should be substituted in his place.

Smt Santabai, mother and minor children Ku Karuna Sahu, Yogendra Sahu & Teman Sahu are present in person. Smt Santabai filed an application along with affidavit for permission to compromise the matter on behalf of minors.

Not opposed.

Considered. Allowed.

Compromise filed.

In terms of compromise, award is passed as below:-

1) In addition to compensation already awarded by the Tribunal, respondent No.3 shall pay Rs.20,000/- (Rupees twenty thousand only) to the appellants.

2) For disbursement and deposit in FDR, the Tribunal may pass appropriate orders, if required.
3) The amount, if any, kept in deposit with Bank shall be payable under the orders of Tribunal in accordance with law.
4) Appellants shall be entitled to receive interest on the amount so deposited, if any.
5) In view of the above, appeal against respondents No.1 & 2 stands dismissed.
6) Out of the above amount, Rs.200/- (Rupees two hundred only) shall be paid to counsel for the appellants directly by the Insurance Company towards counsel fee.
7) If the amount awarded is not deposited within a period of one month, the Insurance Company shall be liable to pay interest at the rate of 9% per annum thereafter.
8) Copy of the award shall be given to the parties free of cost.

Sd/-	Sd/- 9-1-07
Justice Vijay Kumar Shrivastava High Court of Chhattisgarh Bilaspur	Member – Lok Adalat High Court of Chhattisgarh Bilaspur

padma